

IN RE: PETITIONS FOR SPECIAL EXCEPTION
SKC Reisterstown Road and
and Seven Mile Lane
7021 Reisterstown Road
3rd Election District
2nd Councilmanic District
Richard H. Stewart, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 91-505-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to the Petition for Special Exception, permission to use the herein described property for a service garage in a B.L.-C.S.1 zone, pursuant to Sections 230.13 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, by Richard H. Stewart, appeared, testified and were represented by Julius W. Lichter, Esquire. Appearing on behalf of the Petition was Douglas L. Kennedy, P.E. Appearing as Protestants, and represented by Newton A. Williams, Esquire, were Evelyn Burns, in her capacity as Executive Director of the Pikesville Community Growth Corporation, and Kathy Logue.

Testimony indicated that the subject property known as 7021 Reisterstown Road consists of .41 acres +/-, zoned B.L.-C.S.1, and is currently improved with the existing one story block building.

Testimony indicated that the property, by Order of the Zoning Commissioner of Baltimore County dated December 5, 1991, was granted a special permit for a gasoline service station to be operated thereon. Testimony also indicated that the instant Petitioners have owned the property for many years and have recently removed the gas pumps from the site. In doing so, the Petitioners created the need for the aforementioned special exception relief as a result of the B.L.-C.S.1 zone.

MICROFILMED

The Petitioner testified that he has discussed his proposal with his adjoining neighbors and they are in support of the granting of the requested relief.

Mr. Julius Lichter proffered the testimony of Douglas Kennedy which indicated that the proposed use meets the requirements of Section 502.1 of the B.C.Z.R.

Proffered testimony further indicated that the Petitioner would voluntarily comply with the Bureau of Traffic Engineering's August 27, 1991 comments which entails the closing of the existing 21 ft. and 25 ft. access driveways and the removing of the two existing 37 ft. and 39 ft. access driveways to 30 ft. Vegetative planters have been proposed to "close off" the aforementioned 21 ft. and 25 ft. driveways and indicated on Zoning Commissioner's Exhibits Nos. 1 and 2.

Mr. Newton Williams, on behalf of the Protestants, proffered that the Protestants were concerned with the beautification of the Reisterstown Road corridor and made several suggestions concerning the possible erection of a fence, screening, a concrete safety barrier, and painting of certain exterior walls.

Ms. Kathy Logue testified that she favored the use of the proposed planters and requested a board-on-board fence to provide a buffer between the site for the adjacent bread store.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S.1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

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Date 9/13/91
By J. Robert Haines

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The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13th day of Sept., 1991 that the Petition for Special Exception for permission to use the herein described property for a service garage in a B.L.-C.S.1 zone, pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Sections 230.13 and 502.1, in accordance with the Zoning Commissioner's Exhibits Nos. 1 and 2 is hereby GRANTED, subject, however,

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By J. Robert Haines

-3-

to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall install the proposed planters and concrete parking bumpers indicated on Zoning Commissioner's Exhibit No. 1.

JRH:mmm
cc: Peoples Counsel

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Date 9/13/91
By J. Robert Haines

-4-

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-505-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a service garage in the B.L.-C.S.1 zone pursuant to B.C.Z.R. sections 230.13 and 502.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Richard H. Stewart
Signature	Signature
Address	Kathleen M. Stewart
City and State	(Type or Print Name)
	Signature

Attorney for Petitioner:	Julius W. Lichter, Esquire	7021 Reisterstown Rd.
(Type or Print Name)	Signature	Address
Signature	Signature	Phone No.
Address	Levin & Gann, P.A.	Baltimore, Maryland 21215
City and State	305 W. Chesapeake Ave., Ste. 113	City and State
	Towson, Maryland 21204	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
	City and State	Julius W. Lichter, Esquire
		Name

Attorney's Telephone No.: (301) 321-0600 305 W. Chesapeake Ave. (301) 321-0600
Address Towson, MD 21204 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of July, 1991, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

XCO-No 1

(over)

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

497

William K. Woody, L.S.

KCW Consultants, Inc.

Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce Centre, Suite 175
Baltimore, Maryland 21208

(301) 484-0894 / 484-0963
Fax (301) 486-3010

Douglas L. Kennedy, P.E.

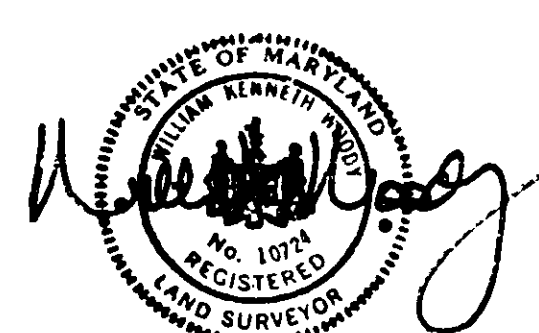
June 12, 1991

ZONING DESCRIPTION OF STEWART PROPERTY
3rd Election District
Baltimore County, Maryland

BEGINNING at a point on the southeast corner of Reisterstown Road, 66 feet wide, and Seven Mile Lane, 60 feet wide, said point being 33 feet northeasterly from centerline of Reisterstown Road, thence binding on the east side of Seven Mile Lane;

1. North 45 degrees 22 minutes East 102.38 feet, thence leaving Seven Mile Lane and running the following courses and distances:
 2. South 47 degrees 28 minutes 20 seconds East 100.00 feet, thence;
 3. South 45 degrees 22 minutes West 102.06 feet to the east side of Reisterstown Road, thence binding on said road;
 4. North 47 degrees 40 minutes West 100.00 feet to the place of beginning.
- Containing 10210 square feet or 0.2344 acres of land, more or less.

Being known as No. 7021 Reisterstown Road and located in the third Election District, Baltimore County, Maryland.



497

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: August 9, 1991
Posted for: Richard H. Stewart et ux
Petitioner: Richard H. Stewart et ux
Location of property: 7021 Reisterstown Road and Seven Mile Lane
Location of Signs: 7021 Reisterstown Road and Seven Mile Lane
Remarks: J. Robert Haines
Posted by: J. Robert Haines Date of return: August 9, 1991
Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, as follows:

Case Number 91-505-X
S.C. Reisterstown Road and Seven Mile Lane
7021 Reisterstown Road
3rd Election District
2nd Councilmanic District
Petitioners:
Richard H. Stewart et ux
Hearing Date: Wednesday, Aug. 28, 1991 at 2:00 p.m.

Special Exception: for a service garage
Zoning Commissioner of Baltimore County
8012 August 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/1, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 1991.

THE JEFFERSONIAN,

S. Robert Haines
Publisher

8 30.49

ORDER RECEIVED FOR FILING
Date 9/13/91
By J. Robert Haines

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 10, 1991

Julius W. Lichter, Esquire
Levin and Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

RE: Petition for Special Exception
Case #91-505-X
Richard H. Stewart, et ux

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
Newton A. Williams, Esquire

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number

Date: 6-19-91

HP100497

	QTY	PRICE
PUBLIC HEARINGS FEES	1 X	\$175.00
050 -SPECIAL EXCEPTION		
TOTAL:		\$175.00

LAST NAME OF OWNER: STEWART

0440440081MCHRC \$175.00
0009:33AM06-19-91

Please Make Checks Payable To: Baltimore County

Microfilmed

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6190
Number

Date: 6-19-91

91.505-X

0440440081MCHRC \$175.00
0009:33AM06-19-91

Please Make Checks Payable To: Baltimore County

Microfilmed

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

DATE: 8-23-91

RE: Mr. & Mrs. Richard H. Stewart
7021 Reisterstown Road
Baltimore, Maryland 21215

Case Number: 91-505-X
SEC Reisterstown Road and Seven Mile Lane
7021 Reisterstown Road
3rd Election District - 2nd Councilmanic
Petitioner(s): Richard H. Stewart, et ux
HEARING: WEDNESDAY, AUGUST 28, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 79.49 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Julius W. Lichter, Esq.

Microfilmed

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

JUNE 28, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-505-X
SEC Reisterstown Road and Seven Mile Lane
7021 Reisterstown Road
3rd Election District - 2nd Councilmanic
Petitioner(s): Richard H. Stewart, et ux
HEARING: WEDNESDAY, AUGUST 28, 1991 at 2:00 p.m.

Special Exception for a service garage.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Richard H. Stewart, et ux
Julius W. Lichter, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 31, 1991

Julius W. Lichter, Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 497, Case No. 91-505-X
Petitioner: Richard H. Stewart, et ux
Petition for Special Exception

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Richard H. Stewart
7021 Reisterstown Road
Baltimore, MD 21215

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 8, 1991

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Dear Mr. Haines:

We have reviewed the submittal of a special exception for a service garage, which we received on July 2nd and have the following comment.

The existing 25' entrance onto Reisterstown Road closest to the intersection of Seven Mile Lane must be closed with SHA Type 'A' concrete curb and gutter.

This is being required in an effort to keep access to this site as far away from the intersection as possible.

All work within SHA right-of-way must be performed under an access permit issued by our office prior to issuance of building permits.

If we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

Very truly yours,
John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: KCW Consultants, Inc.
Mr. J. Ogile

My telephone number is 301-333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 26, 1991

J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
Towson, MD 21204

PF: Property Owner: RICHARD H. STEWART
Location: #7021 REISTERSTOWN ROAD
Item No.: 497 Zoning Agenda: JULY 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. REPAIR CAPAGE SHALL BE IN ACCORDANCE WITH NFPA 98B-1985.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWED: *Capt. John Kelly* 7-26-91 Meted and
Planning Group Approved Fire Prevention Bureau
Special Inspection Division

JF/YFK

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 27, 1991

TO: Zoning Commissioner
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #497, Zoning Advisory Committee Meeting of July 2, 1991, Richard H. Stewart, et ux, SEC Reisterstown Road and Seven Mile Lane (#7021 Reisterstown Road), D-3, Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

SSF:rmp
4972NG/GWRMK

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

887-3353

July 26, 1991

J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
Towson, MD 21204

PF: Property Owner: RICHARD H. STEWART
Location: #7021 REISTERSTOWN ROAD
Item No.: 497 Zoning Agenda: JULY 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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REVIEWED: *Capt. John Kelly* 7-26-91 Meted and
Planning Group Approved Fire Prevention Bureau
Special Inspection Division

JF/YFK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 3, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for July 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 407-revised, 492, 494, 496, 497, 499, 500, 501, 502 and 503.

For Items 429-revised, a County Review Group Meeting is required.

For Item 272 (Case No. 90-434-SPHA), the previous County Review Group Meeting Comments are still applicable.

For Item 493, a 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad Avenue.

For Item 495, no permanent structures are allowed within the limits of Baltimore County drainage and utility easements.

For Item 498, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Red Lion Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.

ENCLOSURE

Zoning Advisory Committee Meeting July 2, 1991
Page 2

- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plat for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 23.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County standards.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: August 22, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Robert J. Kamili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: July 2, 1991

ITEM NUMBER: 497

- The two existing 21 ft. and 25 ft. access driveways should be closed.
- The two existing 27 ft. and 39 ft. access driveways should be narrowed down to a 30 ft. access each.

Robert J. Kamili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: August 20, 1991
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Richard H. Stewart, Item No. 497

In reference to the applicants request, staff offers the following:

The subject property is located within a designated priority planning study and commercial revitalization area. In addition, the site is situated within the Pikesville Plan confines. In recent years, major improvements have been made at the Colonial Village Shopping Center, and the intersection of Colonial Road - opposite Seven Mile Road - has also been improved. The petitioners' site, however, suffers to a degree from deferred maintenance.

Should the applicant's request be granted, certain conditions should be attached to ensure a continuation of the revitalization efforts mentioned above. Specifically, these design issues, if addressed, would contribute to the ongoing improvement project:

- Close the southernmost entrance on Seven Mile Lane;
- Close the westernmost entrance on Reisterstown Road;
- Parking spaces should be relocated 10 feet from the proposed right-of-way;
- All abandoned sign poles should be removed from the property;
- Redevelopment of the site should be in compliance in the Pikesville Streetscape Plan (Any questions regarding this should be directed to Kimberly Piper at 887-8000); and
- The applicant should file a Landscape Plan with the Baltimore County Landscape Planner for approval by the deputy director of the Office of Planning and Zoning Office to be maintained in the official file.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM497/ZAC1

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
7 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-0050

August 12, 1991

KATHRYN A. TURNER

HAND DELIVERED

J. Robert Haines, Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Sign Posting
Richard R. Stewart, Petitioner
7021 Reisterstown Road
Case #91-505-X

Dear Commissioner Haines:

The hearing in the above referenced case is scheduled for August 28th. This afternoon I received a telephone call from Ms. Evelyn Burns, Executive Director of the Pikesville Community Growth Corporation ("PCGC"), informing me that she spotted the sign along Reisterstown Road near Walker Avenue approximately one mile from the subject property.

I telephoned Gwen Stephens who said her file indicates that the subject property was properly posted last week. However, my client has been awaiting the sign posting and has informed me that his property was never posted.

The property must be posted by tomorrow in order to meet the fifteen day requirement. Ms. Stephens has informed me that she will have another sign made tomorrow, but the sign person is not available to post it until Friday. Thus, I have agreed to pick up the sign and post it myself to avoid any delay in the hearing.

Please call me immediately if you have any questions or concerns about my re-posting of the property.

Sincerely,

Kathryn A. Turner

KAT/lis
cc: Mr. Richard Stewart

Sign posted on 8/13/91

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
7 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-625-0050

JULIUS W. LICHTER

HAND-DELIVERED

J. Robert Haines, Esquire
Zoning Commissioner for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Richard H. Stewart, et al Property
7021 Reisterstown Road
Case No.: 91-5052

Dear Mr. Haines:

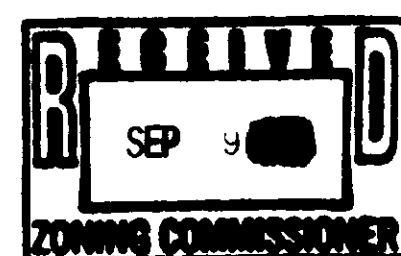
In accordance with the hearing for special exception held on August 28, 1991, we have revised the "Plan to Accompany Petition" with the following items:

- The owner shall repaint the rear of the building.
- The owner shall close off the northernmost entrance along Reisterstown Road and the westernmost entrance along Severn Mill Lane. This shall be accomplished by the construction of two wood planter boxes, each 4 feet by 24 feet long. See detail on sheet 2.
- The owner shall place concrete parking bumpers within the 5 parking spaces fronting along Reisterstown Road.
- The owner shall replace the light head on the light pole along the southern property line.
- Owner will stripe the five (5) parking spaces shown on plan.

I believe that Mr. Stewart has been and will continue to operate a stable business in the Pikesville Community and that his agreement herein reflects his desire to be cooperative. He should not be asked or required to fence any portion of his property nor

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2801

September 6, 1991



LEVIN & GANN, P. A.

J. Robert Haines, Esquire
Page 2
September 6, 1991

provide other additional landscaping or to close the access points closest to Reisterstown Road in any other manner than as provided on the attached Plan revised September 3, 1991.

Please call me upon receipt of this letter.

Very truly yours,

Julius W. Lichter

JWL:dc

cc: Newton Williams, Esquire
Pikesville Community Growth Corporation
Gorn Properties Inc.

PLEASE PRINT CLEARLY

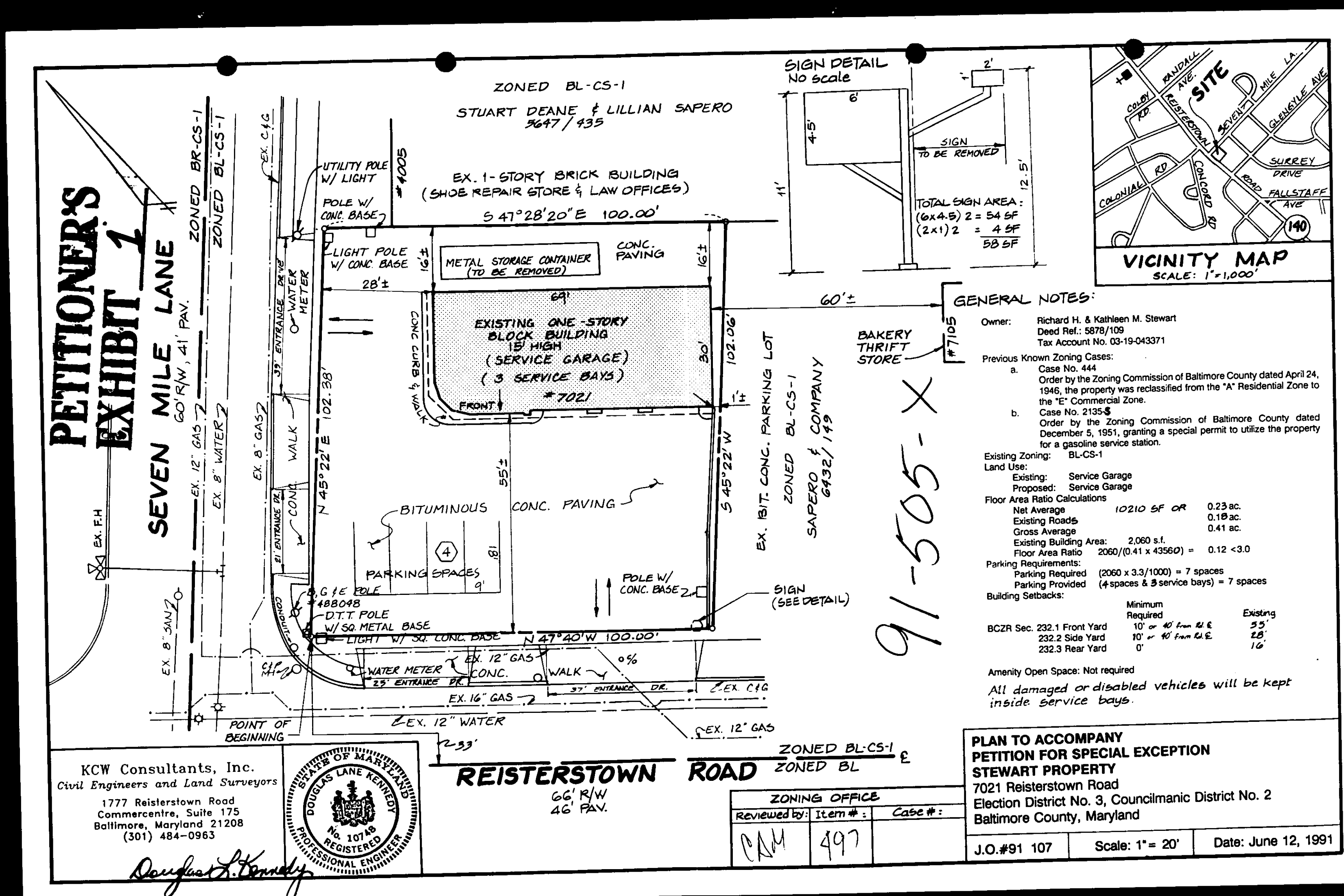
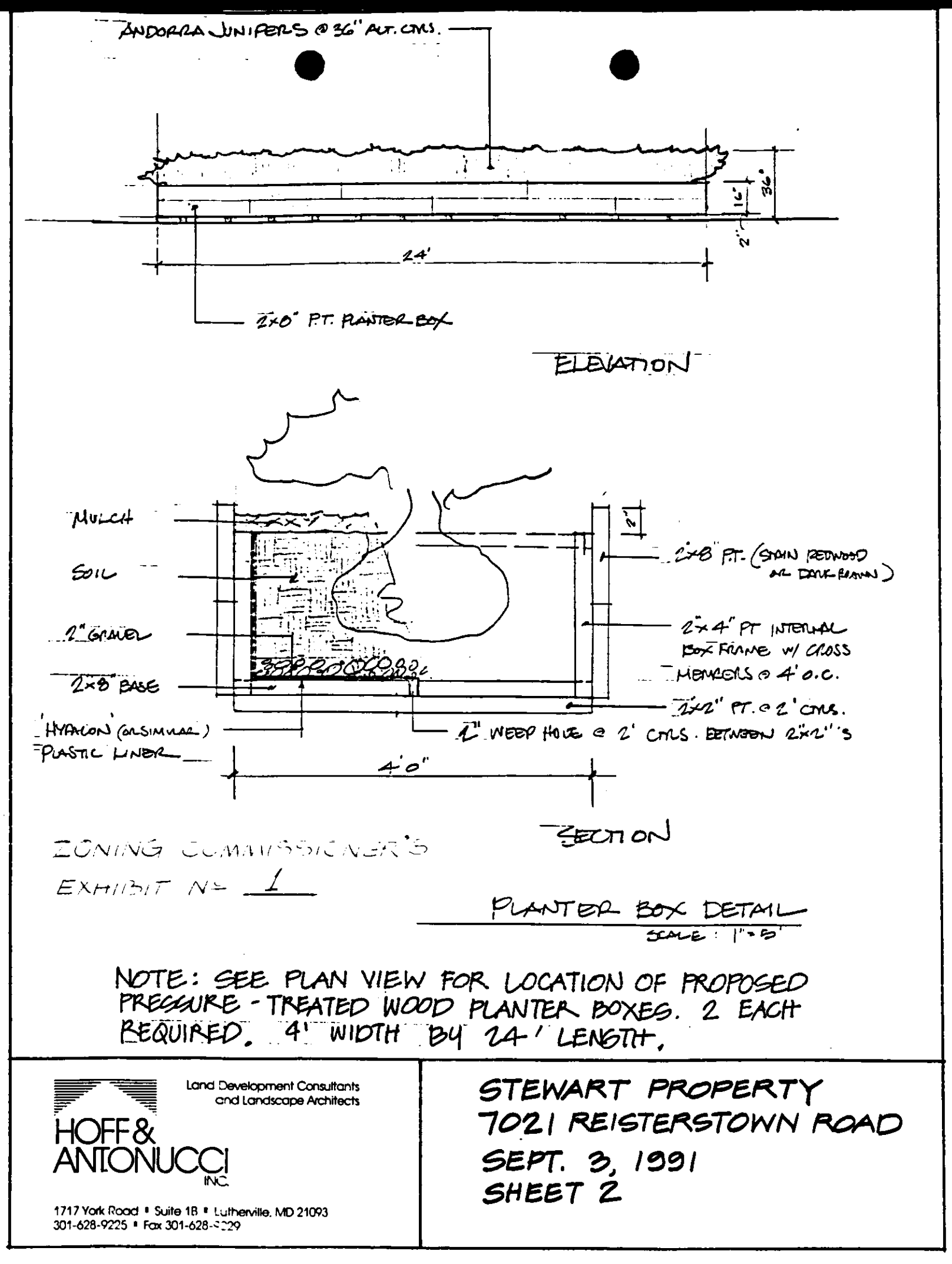
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Newton Williams, Esq.	720 East Morris, 21094 Penn.
Robert Burns (Ex. Dir. PCGC)	3655A Red Bank Rd. #15 - Pikesville, Md. 21088

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DOUGLAS L. KENNEDY, P.E.	1177 REISTERSTOWN RD., BALTO. 21208
Richard Stewart	7021 Reisterstown Rd.



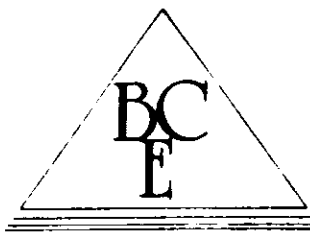
JUDY BRISSON
PRESIDENT

SONNY BRISSON
DIRECTOR/TECH SERVICES

Spill Clean Up Management
Hazardous Waste Consultants
UST/Lost Management

24 Hour Service
(301) 653-4691

Site & In Plant Surveys
Hazardous Waste Segregation
Tank Abandonment



BRISSON
Environmental Consultants
701 STURGIS PLACE
BALTIMORE, MARYLAND 21208

COMMERCIAL • MARINE • INDUSTRIAL


Stewarts Service Center
Attn: Richard Stewart
7021 Reisterstown Road
Baltimore, MD 21215

RE: Tank Closure (Removal)
Address: 7021 Reisterstown Road
Baltimore, MD 21215

On 1-25-89 Brisson Environmental Consultants excavated, removed and disposed of the following underground tanks at the above location: 2-4,000 gallon gasoline tanks and 4-2,000 gallon gasoline tanks. Charles Anderten, Department of Environment was present during the excavation and removal of the tanks. A visual inspection was made of all tanks and no visible holes or pitting was observed. A visual inspection was made of the tank cavity with negative results. The cavity was then filled after the inspection. The tanks were hauled from the site by J & L Equipment & Manufacturing to St. Thomas, PA 17252.

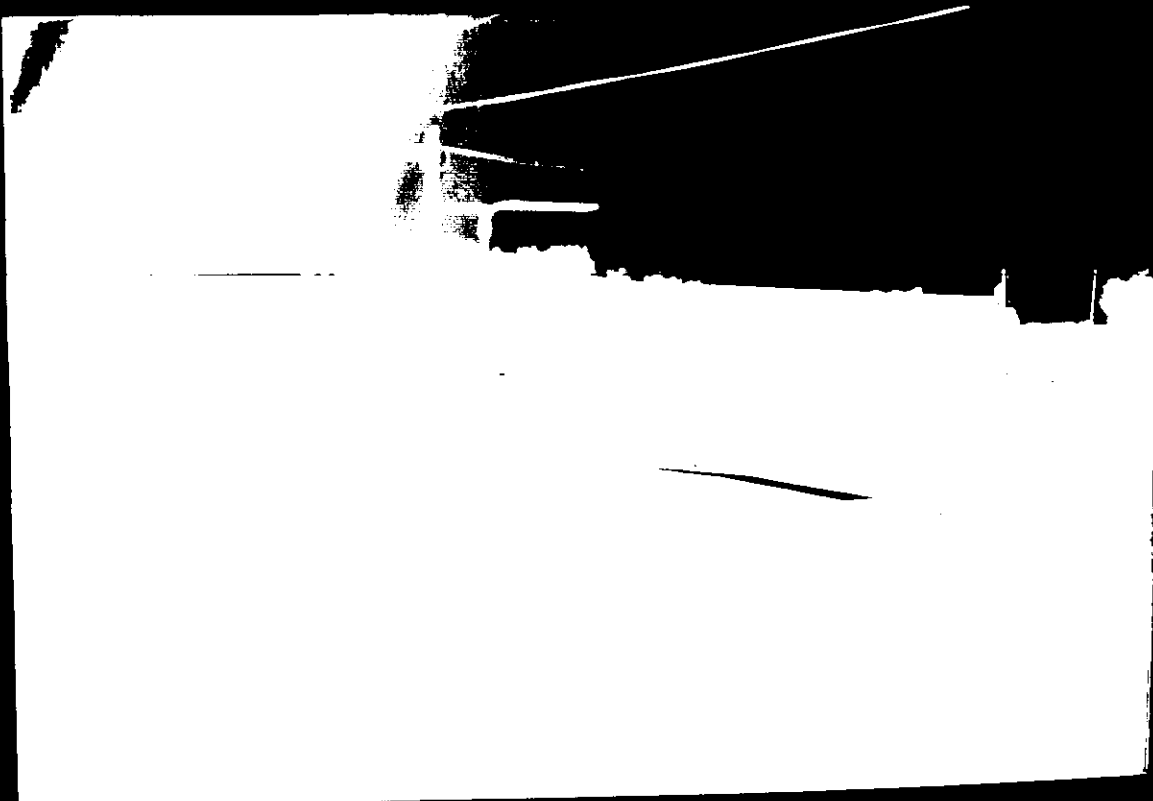
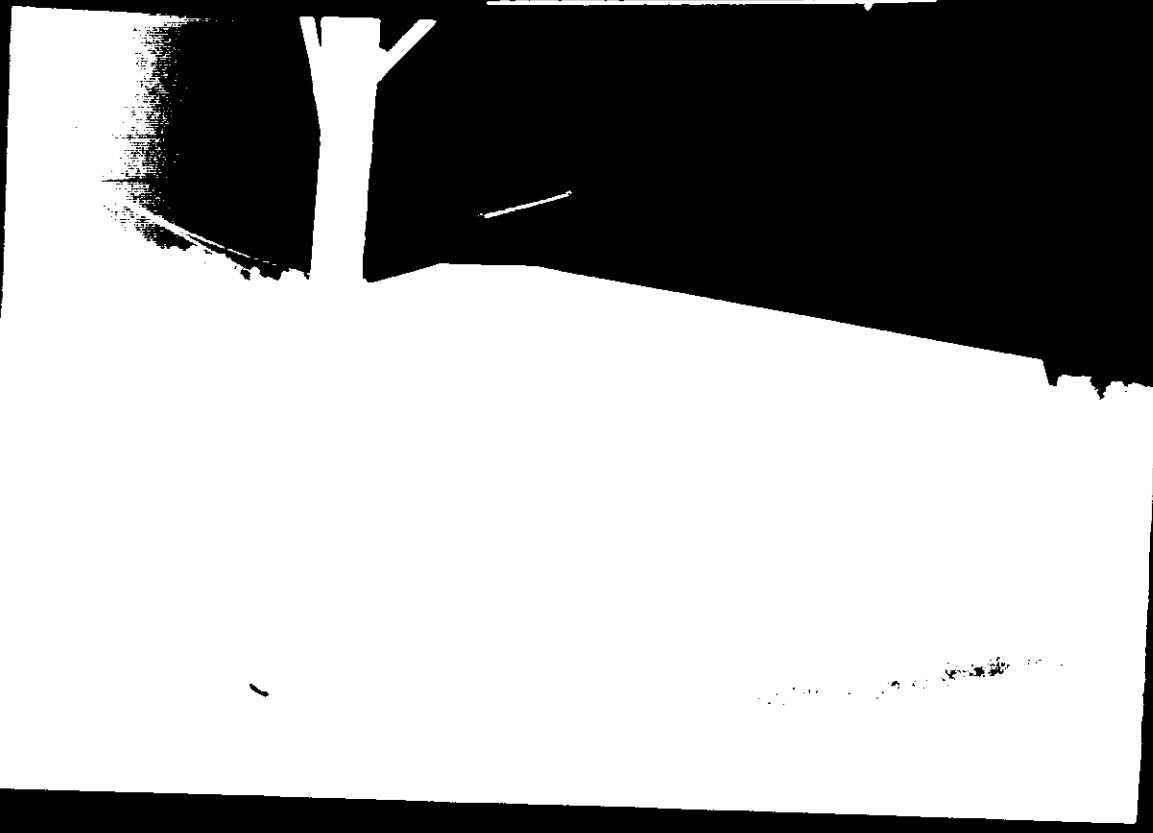
Copy of Baltimore County Permit #B002724 is attached.

PETITIONER'S
EXHIBIT 3

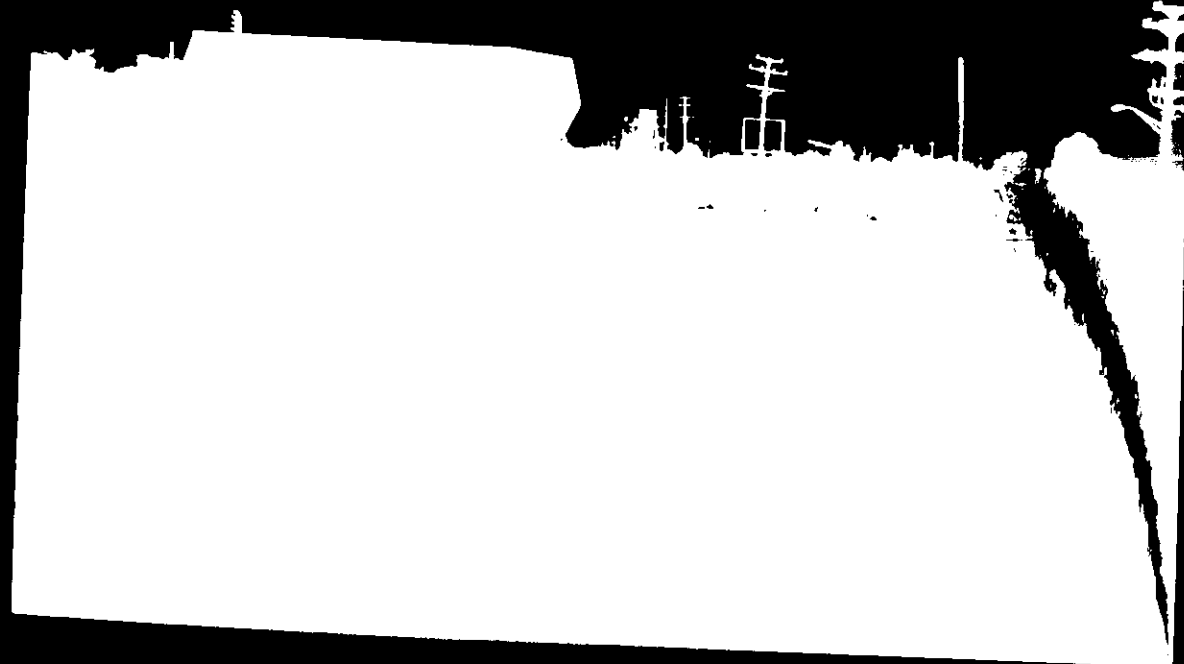
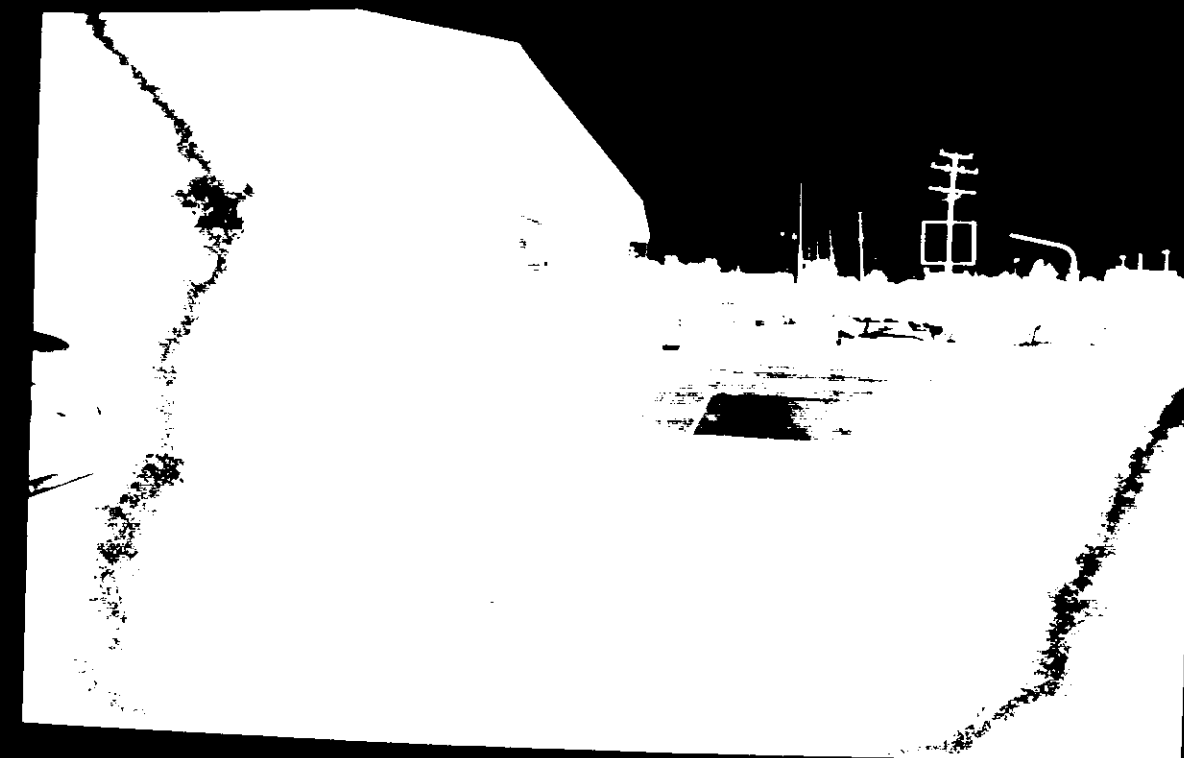

H. J. Brisson

91-505X

PETITIONER(S) EXHIBIT 4 91-505X



PETITIONER(S) EXHIBIT 4 91-505X



SAPERO AND COMPANY
4000 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21215
TOL-0000

August 21, 1991

Mr. Timothy Kotrocco
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Richard Stewart
Case #91-505X

Dear Mr. Kotrocco:

We are the owners of the properties adjacent to Richard Stewart's property at 7021 Reisterstown Road. Mr. Stewart is applying for a service garage zoning and we have no objection to this. The operation of Mr. Stewart has always been a quality one and he has been an asset to the community.

Very truly yours,

SAPERO & COMPANY

Wilbur Fink

WF/sd

PETITIONER'S
EXHIBIT 5

91-505X

Fram
Monument
CO. INC.

7020 Reisterstown Road
Baltimore, Maryland 21215
(301) 486-8666

August 20, 1991

Mr. Timothy Kotrocco
Deputy Zoning Commission
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case # 91-505X

Dear Mr. Kotrocco,

I have been a neighbor of the Getty Service Station located at the corner of Reisterstown Road and Seven Mile Lane for the past eleven years.

During this period of time, I have never witnessed at any time a messy area or outlandish behavior or noise coming from this station. Mr. Stewart has always kept the grounds clean and presentable to the Pikesville community.

This service station has served the people in a respectable fashion and have never charged for a repair that was not necessary.

I would like to see this service station continue operating and give the people the necessary facility needed at this location.

Very truly,

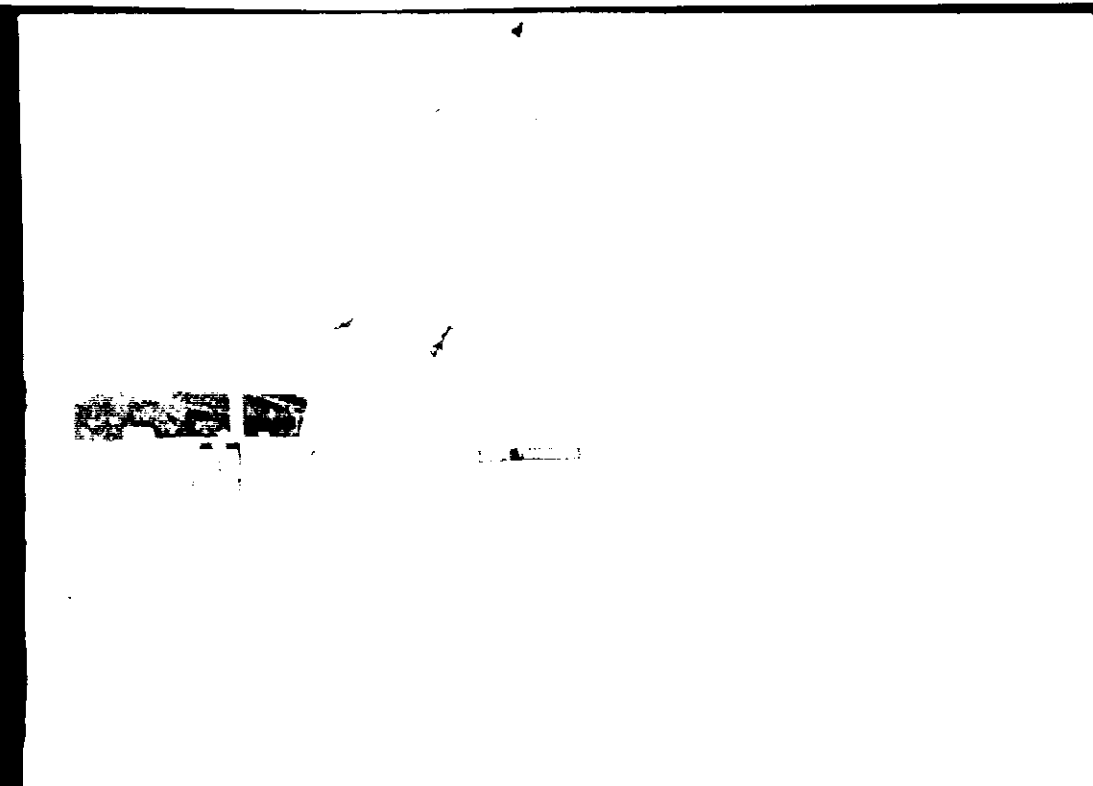
Manuel S. Fram

MANUEL S. FRAM
President

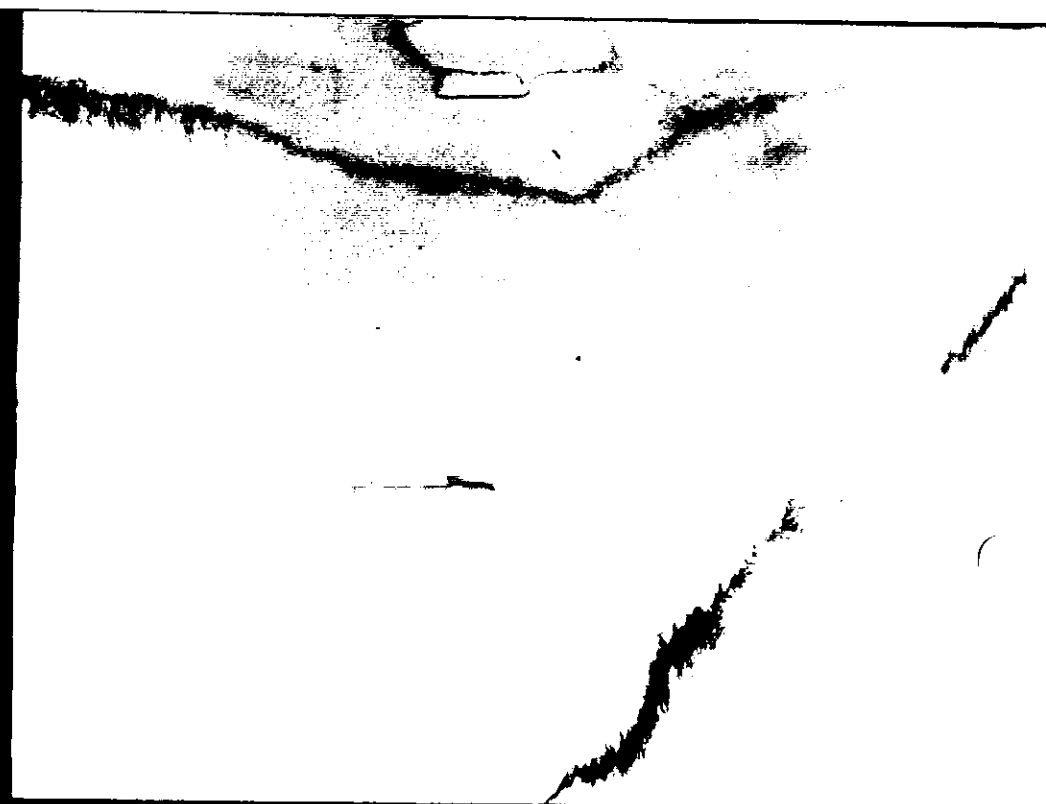
MSP/jor

PETITIONER'S
EXHIBIT 6

91-505X



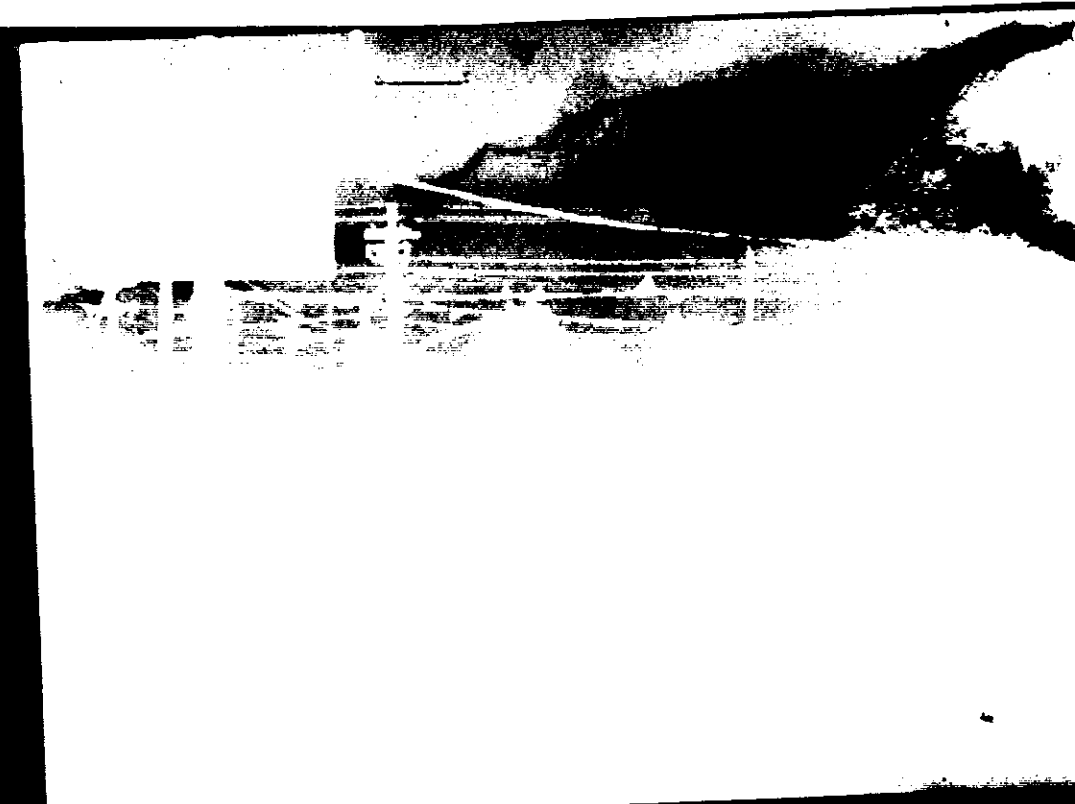
A. Former Service Station
SE/C Reisterstown Rd.
Seven Mile Lane



Stewart Service B. Looking SE across Reist. Rd.
Garage Property at Stewart Property
Case 91-505X
7021 Reisterstown Rd.

PROTESTANT'S
EXHIBIT 1

91-505X



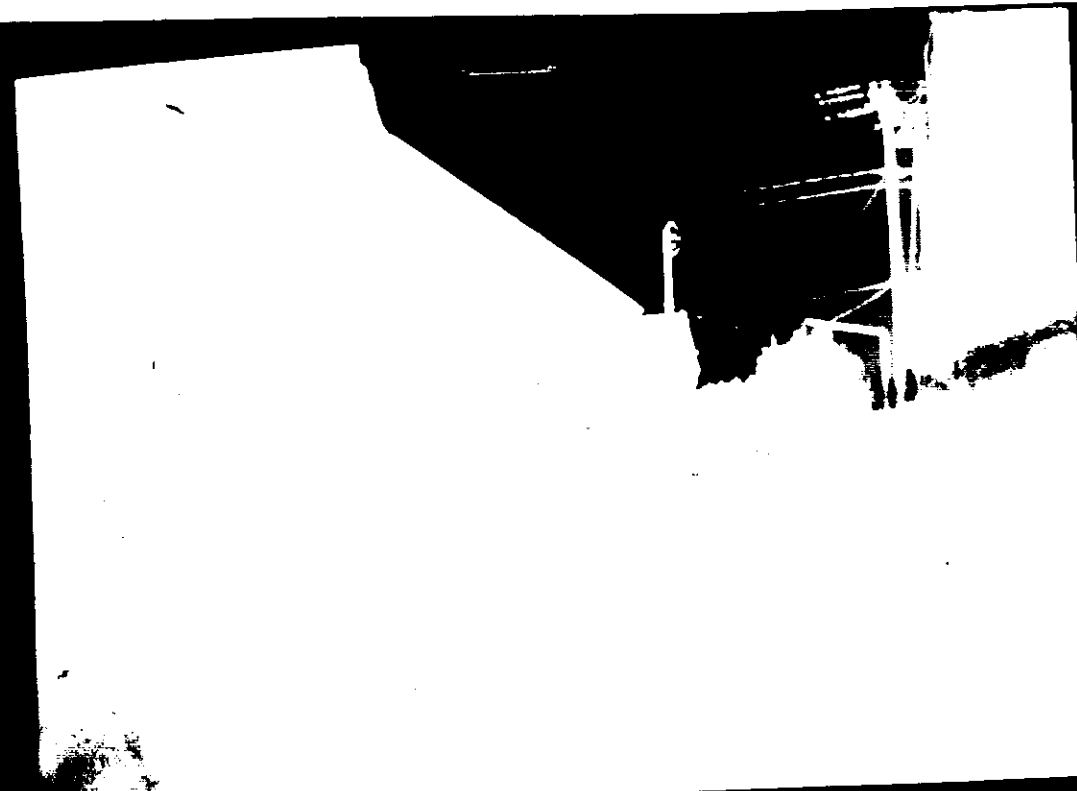
C. Looking N at Stewart Service Garage
Property



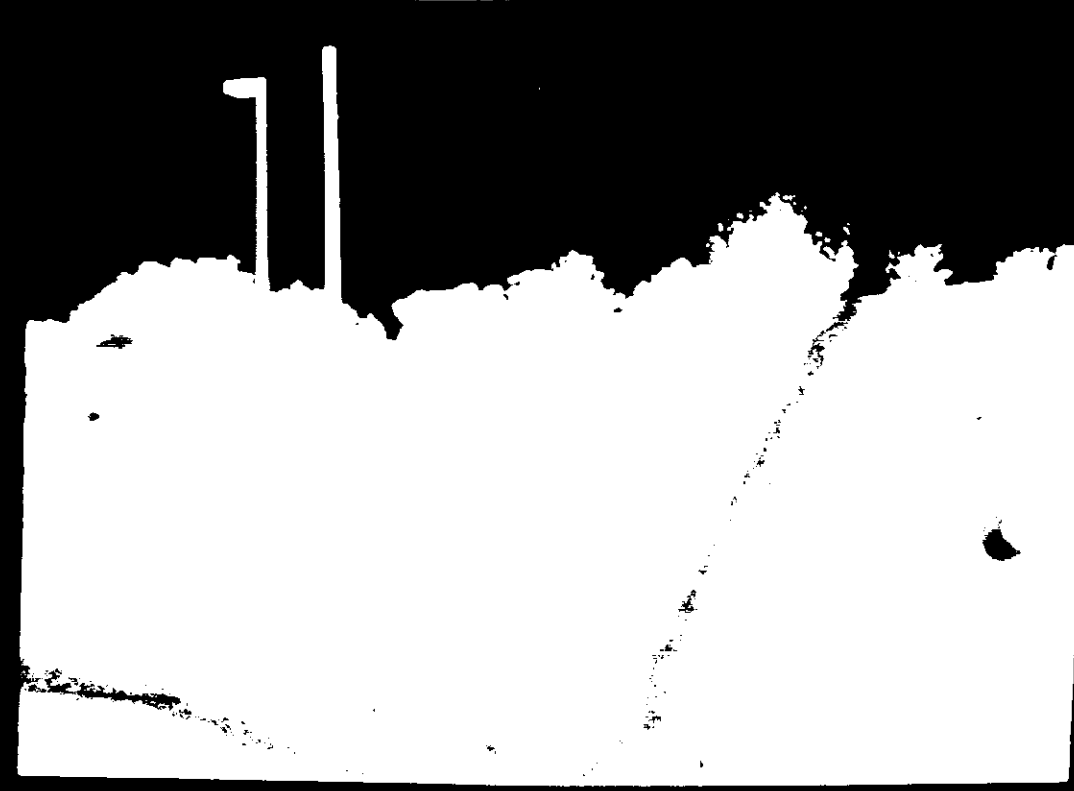
D. SE Corner of Property and
Adjacent Building

PROTESTANT'S
EXHIBIT 2

91-505X



*E. Rear of Stewart Service Garage
Looking N to Seven Mile Road.*



*F. Colonial Village Shopping Center
diagonally across Rust Rd.*

**PROTESTANT'S
EXHIBIT 3**

91-505X

GORN PROPERTIES, INC.

ZONING HEARING

AUGUST 28, 1991

Richard H. Stewart, et ux

Suggested covenants to be filed prior to zoning hearing:

- 1) Vehicles that are derelict, untagged or having deflated tires shall not be left parked on any section of the exterior lot.
- 2) The number of vehicles parked on the exterior lot overnight shall not exceed 10.
- 3) A board-on-board fence shall be erected on the side property lines, in accordance with Baltimore County requirements, to screen the property and all parked vehicles from sight. The fence shall be built from pressure-treated lumber, stained to match the dark tan color of the brick panels on the garage. Shrubbery shall be planted along the front property line to screen the property and parked vehicles from sight, and shall be not less than 30" high.
- 4) The rear wall of the garage shall be scraped and painted.
- 5) The unused pylon sign structures shall be removed from the northwest and southwest corners of the property.
- 6) The light pole located at the southwest corner of the property shall be either activated or removed.

**PROTESTANT'S
EXHIBIT 4**

91-505X

SUITE 200 / 124 SLADE AVENUE / BALTIMORE, MARYLAND 21208 / (301) 486-1234

August 26th
At its ~~January~~ 16, 1991 Board of Directors meeting, the following resolution was adopted by the Colonial Village Neighborhood Improvement Association, Inc. Board of Directors.

RESOLVED: That Colonial Village Neighborhood Improvement Association supports the position of Pikesville Community Growth Corporation with respect to the zoning special exception for 7021 Reisterstown Road, and further

Evelyn Burns is authorized to speak on behalf of the Colonial Village Neighborhood Improvement Association at the zoning hearing of August 28, 1991, and further

The Colonial Village Neighborhood Improvement Association urges that concrete automobile safety barriers be erected and incorporated into the proposed variance.

Charlotte Scherr
Charlotte Scherr, President

**PROTESTANT'S
EXHIBIT 5**

91-505X



PIKESVILLE
Community Growth

3555-A
Old Court Road
Suite 15
Pikesville, MD 21208

Telephone
(301) 484-2310

On Wednesday, August 21, 1991, the Pikesville Community Growth Corporation Executive Committee took the following position regarding Stewart's Garage, 7021 Reisterstown Road:

- 1) All vehicles left on Stewart's lot for repair shall be properly shielded and screened as required by Baltimore County Zoning law.
- 2) A board-on-board fence shall be erected on the side property lines, in accordance with Baltimore County requirements, to screen the property and all parked vehicles from sight. The fence shall be built from pressure-treated lumber, stained to match the dark tan color of the brick panels on the garage. Shrubbery shall be planted along the front property line to screen the property and parked vehicles from sight, and shall be not less than 30" high.
- 3) The rear wall of the garage shall be scraped and painted.
- 4) The unused pylon sign structures shall be removed from the northwest and southwest corners of the property.
- 5) The light pole located at the southwest corner of the property shall be either activated or removed.
- 6) We recommend closing the two exits onto the side of the property.

P.C.G.C. supports the recommendations of Baltimore County and the community. We also request that these measures be made a condition of any variance that is granted and included as part of the variance.

**PROTESTANT'S
EXHIBIT 6**

91-505X